REMARKS

Claims 1, 2, 4-14, 16, 20-25, 27, and 28 are currently pending in the subject application and are presently under consideration. Claim 25 have been amended as shown on page 5 of this Reply. Entry of the amendments is respectfully requested since they remove issues in the event of an appeal, do not require further searching, and/or place the subject application in condition for allowance.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 9-11, 13, 24, and 25 Under 35 U.S.C. §102(b)

Claims 9-11, 13, 24, and 25 stand rejected under 35 U.S.C. §102(b) as being anticipated by Ito et al. (EP 1 089 578 A2). Applicants' representative respectfully disagrees that Ito *et al.* anticipates the subject claimed matter, and requests this rejection be withdrawn for the at least the following reasons. Ito et al. fails to teach or suggest each and every element of the subject claims.

> For a prior art reference to anticipate, 35 U.S.C. §102 requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

Claims 9, 10, 11, 13, and 24.—Independent claim 9 (from which claims 10, 11, 13, and 24 depend) recites, in part: ***calculating a communications interval****, said communications interval* ***equaling a next communications wakeup time less said current communications time***. Ito et al. fails to recite such claimed novel feature.

Ito et al. relates to "a mobile radio communication terminal for selectively using a plurality of radio communication systems to perform radio communication" (¶[0001]; Ito et al.). In addition, the cited reference discloses "a first radio communication period depending on an distant apparatus; second communicating means for operating a second radio communication mode with a second radio communication period which can be set by an originating apparatus; and communication period setting means for making at least part of the second radio communication period coincide with the first radio communication period" (¶[0009]; Ito et al.).

Furthermore, in passages of Ito et al. cited on page 3 of the Office Action dated August 11, 2008, in this rejection of independent claim 9, the primary reference discloses in part: "the wait operation **period according to the W-CDMA system depends on the timing of frames sent from the base station** while the wait operation period according to the BT system can be arbitrarily set by the originating apparatus. (Emphasis added.)" (¶[0049]; Ito et al.) In addition, Ito et al. it is discloses: "The wait period setting control means 111 supervises the leading edge of a wait operation period according to the W-CDMA system during **intermittent reception** in wait operation" (¶[0051]; Ito et al.) and "[…] the wait operation **period set via a negotiation with the base station BS** […] (Emphasis added.)" (¶[0052]; Ito et al.) Furthermore, in paragraph [0055], Ito et al. discloses that "[w]hen the start timing of the wait operation of the W-CDMA system is detected in step 9d, the wait operation of the BT system is started in step 9e …" It should be appreciated that step 9d recites (see FIG. 9; Ito et al.): "leading edge of receive **data detected**. (Emphasis added.)" Thus, it is readily apparent that Ito et al. is silent regarding ***calculating a communications interval***, *said communications interval* ***equaling a next communications wakeup time less said current communications time***, as recited in independent claim 9, since Ito et al. fails to disclose or suggest a calculation of a time interval. Rather Ito et al. relays in triggering a wait operation period based on received data, and terminating such operation when "the end of the wait operation of the W-CDMA system is reached." Calculation as recited in independent claim 9 occurs as described in [0037] of the specification of instant application. Accordingly, it is respectfully submitted that the cited reference fails to disclose expressly or inherently each and every element of independent claim 9.

Claims 25.—The subject independent claim recites: *means for* ***computing the next communications wakeup time***. It should be appreciated the means for computing can be embodied in processor 146 (e.g., ¶[0037] of applicants' application). For at least the reasons discussed above in connection with independent claim 9, applicants' representative respectfully submits that Ito et al. fails to anticipate the subject independent claim.

In view of at least the foregoing, and that the standard by which anticipation is to be measured is ***strict identity*** between the cited document and the subject matter as claimed, not mere equivalence or similarity (see *Richardson* at 9 USPQ2d 1913, 1920), applicants' representative respectfully submits that Ito et al. fails to anticipate independent claims 9, and

associated dependent claims. Accordingly, applicants' representative respectfully requests this rejection of claims 9-11, 13, and 24 be withdrawn.

II. Rejection of Claims 1, 2, 4-8, 12, 14, 16, 20-23, 27, and 28 Under 35 U.S.C. §103(a)

Claims 1, 2, 4-8, 12, 14, 16, 20-23, 27, and 28 stand rejected under 35 U.S.C. §103(a) as being obvious over Ito et al. (EP 1 089 578 A2) in view of Mayo et al. (US 6,571,111). It is respectfully requested that this rejection be withdrawn for at least the following reasons.

Claims 1 and 4-8.—Independent claim 1 recites, in part: ***computing*** *a next wakeup time for the first communication module, the* ***computing act is based at least in part on a time period set by the wireless mobile unit***. Ito et al. and Mayo et al., alone or in combination, fail to disclose such novel claimed features.

On page 5 of the Office Action date August 11, 2008, it is conceded that Ito et al. fails to disclose ***computing*** *a next wakeup time for the first communication module, the* ***computing act is based at least in part on a time period set by the wireless mobile unit***. Mayo et al. is set forth with the intent to remedy this deficiency; yet, the secondary reference fails to disclose or suggest the subject novel feature. Mayo et al. relates to "decreasing power consumption of nodes of the network that have a limited capacity power source." (Col. 1:10-11; Mayo et al.) In addition, Mayo et al. discloses (col. 2:17-20): "A real-time clock in each device is synchronized to the periodically received timing signal. The real-time clock determining a basic synchronized timing interval." Moreover, the secondary reference discloses (col. 2:21-27): "The transmitting and receiving of data between the devices is initiated during an awake period of the synchronized timing interval, and power consumption is reduced during a sleep period. The awake and sleep periods are synchronized to the basic timing interval. In order to minimize power consumption, the sleep period is significantly longer than the awake period." Yet, Mayo et al. is silent regarding ***computing*** *a next wakeup time for the first communication module, the* ***computing act is based at least in part on a time period set by the wireless mobile unit***. Rather, in Mayo et al. an oscillator serves as a real-time clock (col. 2: 36-39), and the real time clock determines an awake time interval. Thus, the awake time interval **is not computed**, but established through a frequency associated with the oscillator in a clock circuit.

It should be appreciated that the passages of Mayo et al. cited on page 5 of the Office Action dated August 11, 2008, fails to disclose or suggest **a computing act**. Instead, Mayo et al.

in col. 3:49-63 describes a timing diagram and a basic timing interval (element 310, FIG. 3; Mayo et al.) illustrating "awake" and "sleep" modes. Even though the reference passage discloses that "[t]he length of the interval 310 can be an arbitrary amount of time … [s]horter and longer intervals can be selected depending on the desired latency", nothing in the passage describes or suggests **a computing act** of any sort. In turn, the secondary reference in col. 4:3-17 describes synchronization aspects driven by an "external timing source 110." Yet, the passage fails to disclose or suggest **a computing act**, let alone ***computing*** *a next wakeup time for the first communication module, the* ***computing act is based at least in part on a time period set by the wireless mobile unit.***

Therefore, it is respectfully submitted that Ito et al. and Mayo et al., alone or in combination, fail to disclose or suggest each and every element recited in independent claim 1, and associated dependent claims.

Claim 2, and 4-8.—Independent claim 2 (from which claims 4-8 depend) recites, in part: ***calculating*** *a next communications* ***wakeup time based at least in part on a time period*** *set by the wireless mobile unit.* As discussed above, the primary and secondary references, alone or in combination, fails to disclose or suggest such novel claimed feature.

Therefore, it is respectfully submitted that Ito et al. and Mayo et al., alone or in combination, fail to disclose or suggest each and every element recited in independent claim 2, and associated dependent claims.

Claims 12.—The subject claim depends from independent claim 9. As discussed above, Ito et al. fails to disclose or suggest each and every element of independent claim 9. Mayo et al. fails to remedy such deficiency of the primary reference. Particularly, Mayo et al. fails to describe expressly or inherently the limitation of ***calculating a communications interval,*** *said communications interval* ***equaling a next communications wakeup time less said current communications time.*** It should be appreciated that no calculation is disclosed in Mayo et al. Time intervals are determined through the architecture of a clock circuit (element 240, FIG. 2; Mayo et al.) associated with each device in a network of devices. Time intervals can be externally synchronized among the networked devices, but such synchronization as it would be understood by one of ordinary skill in the art amounts to establishment of a common time origin for a time interval rather than a calculation of a time interval.

Therefore, it is respectfully submitted that Ito et al. and Mayo et al., alone or in combination, fail to disclose or suggest each and every element recited in dependent claim 12.

Claims 14, 16, and 20-23.—Independent claim 14 (from which claims 16 and 20-23 depend) recites, in part: *a communications module configured to perform a communications wakeup process at a next communications wakeup time, wherein* ***said wakeup time is computed based at least in part on a set time period ....*** For at least the reasons set forth above, it is respectfully submitted that Ito et al. and Mayo et al., singularly or in combination, fails to disclose or suggest such novel claimed features. Therefore, it is respectfully submitted that Ito et al. and Mayo et al., alone or in combination, fail to disclose or suggest each and every element recited in independent claim 14, and associated dependent claims.

Claims 27 and 28.—Independent claim 27 (from which claim 28 depends) recites, in part: *means for* ***computing the next communications wakeup time***. For at least the reasons set forth above, it is respectfully submitted that Ito et al. and Mayo et al., singularly or in combination, fails to disclose or suggest such novel claimed features. Therefore, it is respectfully submitted that Ito et al. and Mayo et al., alone or in combination, fail to disclose or suggest each and every element recited in independent claim 27, and its associated dependent claim.

In view of at least the foregoing, it is respectfully submitted that this rejection of claims 1, 2, 4-8, 12, 14, 16, 20-23, 27, and 28 is based on a suggestion that is obvious to combine elements that the cited references, alone or in combination, fail to disclose in order to attain the novel features recited in the subject claims. Accordingly, applicants' representative respectfully requests this rejection of claims 1, 2, 4-8, 12, 14, 16, 20-23, 27, and 28 be withdrawn and the subject claims be allowed.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [QUALP837US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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